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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,185	06/14/2001	Tsuncharu Takeda	01362/LH	8009

1933 7590 03/25/2005

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
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NEW YORK, NY 10017-2023

EXAMINER

SON, LINH L D

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/882,185

Applicant(s)

TAKEDA, TSUNEHARU

Examiner

Linh Son

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date #2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This Office Action is responding the application filed on 06/14/01

Claims 1-15 are pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 8-9, 11, and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Shimbo et al, US Patent No. 6760840B1, hereinafter "Shimbo".

3. As per claims 1 and 8, Shimbo teaches "A ciphering apparatus comprising: a blocking section which divides plaintext into blocks" in (Col 13 lines 16-30); "an attribute setting section which sets a ciphering attribute for use in ciphering each of the blocks" in (Col 5 lines 33-39, Col 6 line 60 to Col 7 line 6, and Col 19 line 54 to Col 20 line 10); "a ciphering section which ciphers each of the blocks in accordance with a ciphering attribute set for the block to obtain a ciphertext" in (Col 42 lines 18-45) ; and an output section which outputs the ciphertext and the ciphering attribute used for obtaining the

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ciphertext (Col 42 lines 18-45).

4. As per claims 2 and 9, Shimbo teaches "The apparatus according to claims 1 and 8, wherein the ciphertext and the ciphering attribute outputted by said output section are stored as separate files" in (Col 42 lines 18-40, and Col 5 lines 33-40)

5. As per claims 4 and 11, Shimbo teaches "The apparatus according to claims 1 and 8, wherein said ciphering attribute comprises a location information indicating a position of the block, size information indicating a size of the block, user information indicating a user who has a right to access the block, and a ciphering key information" in (Col 5 lines 33-40).

6. As per claim 15, the rejection basis of claim 1 is incorporated. Further, Shimbo teaches "An article of manufacture comprising a computer usable medium having computer readable program code" in (Col 41 lines 1-5).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3, 5-7, 10, and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimbo.

9. As per claims 3 and 10, Shimbo teaches "The apparatus according to claims 1 and 8, record the ciphering attribute of the divided ciphered text block in individual file". However, Shimbo is silent on "the ciphertext and the ciphering attribute outputted by said output section are stored as one file". Nevertheless, it would have been obvious at the time of the invention was made for one having ordinary skill in the art to modify the invention to aggregate all cipher attribute files into one aggregated file for file management purpose.

10. As per claims 5-7 and 12-14, Shimbo teaches "The apparatus according to claims 1, 5, 8, and 12". However, Shimbo does not teach "the said blocking section comprises a sub-blocking section which divides one block into small sub-blocks; said attribute setting section comprises a sub-attribute setting section which sets a sub-ciphering attribute for use in ciphering each of the sub-blocks; and said ciphering section comprises a sub-ciphering section which ciphers each of the sub-blocks in accordance with the sub-ciphering attribute". Nevertheless, Shimbo does only teach a method of dividing the text file into blocks and maintain a file individually for each block. Therefore, it would have been obvious at the time of the invention was made for one having ordinary skill in the art to modify the invention to sub-section the number of blocks and maintain an sub-ciphering attribute of the sub-section for data management

purpose.

Conclusion

11. Any inquiry concerning this communication from the examiner should be directed to Linh Son whose telephone number is (571)-271-3856.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Kim Y. Vu can be reached at (571)-272-3859. The fax numbers for this group are (703)-872-9306 (official fax). Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (571)-272-2100.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval IPAIR.I system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PMR only. For more information about the PAIR system, see <http://pzr-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Linh LD Son

Patent Examiner

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